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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/270,297 03/15/99 DEO

S 81862.P146

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EXAMINER

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ART UNIT	PAPER NUMBER

2663

DATE MAILED:

01/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TB

Office Action Summary

Application No.
09/270,297

Applicant(s)
Deo et al

Examiner
Andrew Lee

Group Art Unit
2663



☒ Responsive to communication(s) filed on Mar 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-27 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2663

DETAILED ACTION

Claim Objections

1. Claims 7-9, 13 are objected to because of the following informalities: “a processor ...configured.”. Appropriate correction is required.

Language that suggests or makes optional does not limit the scope of a claim limitation.

Re Claim 9, grammar error in line 2, “is” should be -are-.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 1, 7, 14, line 6, recites “connection components”. It is unclear what is meant by “connection components”. Same reasoning applied to “software images” in Claims 2 and 21.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 8, 14, 15, 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al U.S. Patent No. 5,142,528.

Re Claims 1, 7, 14, 21, Kobayashi et al teaches in fig 3, host computer detecting a setup request to establish network connection from the terminal (detecting a request); wherein the host determines the protocol (traffic type) and executes the layer 2 communication control program (see fig 2 and see col 5, lines 15-35).

Re Claims 2, 15, 22, see fig 2 wherein the communication application program invokes an appropriate one of plurality of communication control programs (software images).

Re Claim 3, see fig 1, the local memory 104.

Re Claim 4, see fig 1, wherei the telephone 106 is coupled to the voice data processor.

Re Claims 6, 8, , refer to Claim 1, fig 1 teaches plurality of network connection components; further teaches the CPU coupled to the plurality of network connection components executing plurality of communication programs stored in local memory 104.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,142,528.

Re Claims 5 and 6, Kobayashi et al teaches the host selecting the layer 2 communication control program from the local memory 104. Kobayashi et al fails to explicitly teach the layer 2 protocol further includes ATM and frame relay protocol. ISDN communication, frame relay communication or ATM communication, the originating terminal declares the traffic characteristics which are stationarily set in advance to the network and the terminating terminal by a SET UP message, and receives the notification on the reception of the SET UP message through a CONN message. Hence, ISDN, Frame relay or ATM are analogous art. Since, Frame relay and ATM supports greater flexibility in the QoS and greater speeds than ISDN. It would have been obvious to one skilled in the art to have incorporated the Frame relay and ATM protocol into the layer 2 communication control program of Kobayashi et al.

8. Claims 9-13, 16-20, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al U.S. Patent No. 5,142,528 in view of Brame U.S. Patent No. 5,365,590.

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Re Claims 9, 13, 16, 20, 23, 27 refer to Claim 1, Kobayashi et al teaches in fig 1, the ISDN network 103. Kobayashi et al fails to explicitly teach the TDM switch. However, Brame et al teaches the TDM switch coupled to the CTIS. ISDN network 103 and CTIS are analogous art. TDM switch are well known in the art to support networking. The networking function of the TDM switch can be combined with the host function of Kobayashi et al. The TDM switch combined with Kobayashi et al can then support network switching. Hence, it would have been obvious to one skilled in the art to have incorporate the protocol selection function of Kobayashi et al into the TDM switch of Brame to provide multi-protocol platform.

Re Claims 10, 12, 17, 19, 24, 26, Brame teaches the fig 3, 203 plurality of T1 framers coupled to plurality of Audio modules (first set of plurality of ports); further teaches the serial controllers 410, 412.

Re Claims 11, 18, 25, Brame teaches fig 7, plurality of DVIU which includes the DSPs (fig 8) coupled to second set of ports (see fig 2).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Korpela U.S. Patent No. 5946634 teaches download protocol from protocol stack;

Griffith et al U.S. Patent No. 5388102 teaches TDM switch;

Mavraganis et al U.S. Patent No. 5521914 teaches the IWF interworking capabilities.

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10. Inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703)305-1500. The examiner can normally be reached on Monday-Friday from 8:30 AM - 6:00PM, Eastern Time.

If attempts to reach the examiner by telephone are not successful, the examiner's supervisor, **Mr. Chau Nguyen**, can be reached on 703)308-5340.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) 308-9051, for formal communications intended for entry or
(703) 308-5403, for informal or draft communications,
please label **"PROPOSED"** or **"DRAFT"**.

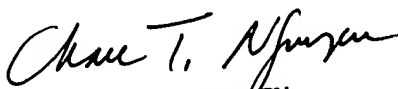
Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, Virginia Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703)305-3900.


Andrew Lee

January 2, 2001.


CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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